## REMARKS

Reconsideration of the present application is respectfully requested. Claims 1-10 are under consideration here, and stand rejected under 35 U.S.C. §103(a) as unpatentable over Seo, et al. in view of Bechevet, et al. (claims 1, 2, 4, 7, 9, and 10); Seo, et al. in view of Rie, et al. (claims 1-10); Seo et al. in view of Rijpers, et al. (claims 1-10); Seo et al., in view of Ogawa, et al. (claims 4, 5, 9, and 10). It is submitted that based upon the action taken herein, all remaining claims under consideration are in condition of allowance.

Seo, et al. (JP 01-180387) and the other cited references do not disclose the thickness of the recording film, previously recited in dependent claims 2, 5, 7 and 10 (now canceled), and now recited in independent claims 1, 4, 6 and 9. It is observed that Seo, et al. only discloses an example regarding the recording film having the thickness of 100 nm. This clearly does not teach, suggest or motivate the skilled person to employ the applicant's claimed range. For this first reason, it is submitted that the claims are patentable over the combined teachings of the references.

Further, the present invention employs a recording film having a main composition represented by $(GeTe)_x Sb_{2-y} In_y Te_3$, and its composition ratio is within the ranges of $0.04 \leq y < 2$ and $4 \leq x \leq 8$. Specifically, in the recording film of the claimed invention, a portion of Sb in $Sb_2Te_3$ is replaced with In. In contrast, Seo, et al. only discloses the recording film having a chemical composition of GeTe and InSb. Further, the present invention achieves a high C/N value, a cross-erasing reduction, and a high erasing rate. In contrast, Seo only mentions the C/N value, and does not indicate that it attains the cross-erasing reduction and the high erasing rate. Nothing in Seo teaches, suggests or motivates the person of skill in the

art to make the changes to the recording film necessary to arrive at the recording film of the claimed invention.

Moreover, the secondary references cited in combination with Seo, et al. do not teach suggest, or motivate the person of skill in the art to make the modifications in the recording film composition of Seo in the way(s) needed to arrive at the presently claimed invention. Bechevet teaches (GeTe) (SbTe) (InTe), in which, as best understood, some of which elements can drop out of the composition entirely. Ogawa teaches composition of Ge-Te-Sb, Rijpers teaches a specific arrangement of GeIn SbTe. Rie teaches (Gn Sn) SBTe. Accordingly, the claimed invention cannot be arrived at from the disclosures of Seo and the secondary references. The effects of the present invention cannot be attained by selecting such chemical compositions of the cited references.

Wherefore, based upon the foregoing, it is submitted that the present application is in condition of allowance, and a relatively early reply would be greatly appreciated.

Respectfully submitted,

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